

FILED
U.S. DISTRICT COURT
DISTRICT OF WYOMING
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING
2016 JUN 17 PM 3:36
PHAN HARRIS, CLERK
CASPER

GEORGE JAMES,

Plaintiff,

vs.

MACHOL & JOHANNES, LLC, and
JANAE RUPPERT, individually,

Defendants.

Case No. 2:16-CV-0144-S

**ORDER DENYING APPLICATION TO PROCEED
WITHOUT PREPAYING FEES OR COSTS**

This matter comes before the Court on Plaintiff's application to proceed without prepaying the required filing fee. The Court, having considered the application and being otherwise fully advised, FINDS that the request is not warranted.

Plaintiff filed this action on June 6, 2016, alleging violations of the federal Fair Debt Collection Practices Act and Wyoming Collection Agency Act Rules & Regulations. Accompanying his Complaint is the present application to proceed without prepayment of fees and supporting declaration. Under 28 U.S.C. § 1915(a)(1), a district court "may authorize the commencement . . . of any suit, action or proceeding . . . without prepayment of fees or security therefor, by a person who submits an affidavit that includes a statement of all assets such prisoner possesses [showing] that the person is unable to pay such fees or give security therefor." Despite its use of the phrase "prisoner possesses," § 1915(a) applies to all persons applying to proceed without prepayment of fees, not just to prisoners. *Lister v. Dep't of the Treasury*, 408 F.3d 1309, 1312 (10th Cir. 2005).

In his supporting declaration, Plaintiff represents he has no money in cash or in a checking or savings account; however, he further indicates monthly take home pay of \$4,300.00 and assets in the form of two operable vehicles. Plaintiff's listed monthly expenses of approximately \$3,000.00 do not exceed his monthly income. Based on the information provided, it appears Plaintiff has the financial ability to pay the required filing fees. THEREFORE, it is hereby

ORDERED that Plaintiff's application to proceed without prepaying fees or costs is DENIED.

Dated this 17th day of June, 2016.



Scott W. Skavdahl
United States District Judge